IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2042 of 2005

Between:

Kurnool Municipal Corporation, rep., by its Commissioner, Kurnool.

..... PETITIONER

AND

1 M.Srihari, s/o M.Krishna Murthy,
Kurnool Municipal Corporation, r/o 44/151, Prakashnagar, Kurnool.
2 Standing Committee, rep., by its Chairman, Kurnool Municipal Corporation,

Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari, or any other appropriate writ, order or direction, calling for records pertaining to the order dated 18-1-2005 passed in O.A.No.174/2005 on the file of A.P.Administrative Tribunal, Hyderabad and quash the same.

Counsel for the Petitioner:MR.A.SREEDHAR

Counsel for the Respondent No.1: Smt.S.A.V.Ratnam.

Counsel for respondent No.2: None appeared.

The Court at the admission stage made the following :

O R D E R: (PER GB.J)

1) This writ petition is filed assailing the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.174 of 2005, dated 18.01.2005.

2) The matter relates to the promotion of 1st respondent to the post of Senior Assistant in the 2nd respondent-Standing Committee of Kurnool Municipal Corporation, Kurnool, with effect from 03.01.2005. Since it was not implemented, O.A.No.174 of 2005 was filed by the petitioner before the Tribunal. By order, dated 18.01.2005, the Court below disposed of that application with a direction to the respondents to implement the Resolution, dated 29.12.2004/03.01.2005 passed by the respondents within a period of three weeks from the date of the order. Against which, the present writ petition has been filed by the Kurnool Municipal Corporation, Kurnool.

3) The learned counsel appearing for the Municipality submits that since there was a rival claim, the matter was referred to the Government and as there was a delay in implementation, the case of the 1st respondent was not considered.

4) We are unable to accept the contentions raised by the learned counsel for the petitioner.

5) When the Standing Committee passed a resolution, it has to be implemented, subject to the orders of the Government that may be passed in future. Hence, we do not find any ground to interfere with the order.

6) The writ petition is, therefore, dismissed. No costs.

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G.BIKSHAPATHY.J.,

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P.S.NARAYANA.J.,

Dated 16th February, 2005

C.C in two days.

B/O

Tjs/mrb

To

1. The Chairman, Standing Committee, Kurnool Municipal Corporation, Kurnool.
2. The Commissioner, Kurnool Municipal Corporation, Kurnool.
3. 2 C.D.Copies.